

At the Court at *Buckingham Palace*, the 20th day of *March*, 1905.

PRESENT,

The KING's Most Excellent Majesty.

Archbishop of Canterbury.
Lord President.
Lord Suffield.
Sir William Walrond.

WHEREAS there was this day read at the Board a representation from the Judicial Committee of the Privy Council, dated the sixteenth day of March, one thousand nine hundred and five, and in the words following, viz. :—

"The Lords of the Judicial Committee having taken into consideration the practice under which an Appeal to Your Majesty in Council cannot in the absence of a special Order in that behalf made by their Lordships be set down for hearing *ex parte* as against a Respondent to the Appeal who has failed to enter an Appearance thereto in the Registry of the Privy Council unless the Appellant shall have previously obtained from their Lordships two successive Orders commonly known as 'Appearance Orders' requiring the said Respondent to enter an Appearance to the Appeal within the periods by the said Orders respectively limited and shall have duly published the said Orders by affixing the same on the Royal Exchange and elsewhere in the usual manner and unless the said periods so limited by the said Orders as aforesaid shall have expired. And being of opinion that the said practice is inconvenient and ought in certain cases and subject to certain conditions to be dispensed with Their Lordships do this day agree humbly to recommend to Your Majesty to order as follows. that is to say :—

"1. That where a Respondent to an Appeal to Your Majesty in Council whose name has been entered on the Record of the Appeal by the Court admitting the Appeal fails to enter an Appearance to the Appeal in the Registry of the Privy Council and it appears from the Transcript Record in the Appeal or from a Certificate of the Officer of the Court transmitting the said Transcript Record to the Registrar of the Privy Council that the said Respondent has received notice of the Order admitting the Appeal to Your Majesty in Council or of the Order of Your Majesty in Council giving the Appellant special leave to appeal to Your Majesty in Council (as the case may be) and has also received notice of the dispatch of the said Transcript Record to the Registrar of the Privy Council the Appellant shall not subject to any direction by their Lordships to the contrary be required to take out Appearance Orders calling upon the said Respondent to enter an Appearance in the Appeal and the Appeal may subject as aforesaid be set down for hearing *ex parte* as against the said Respondent at any time after the expiration of three calendar months from the date of the lodging of the Appellant's Petition of Appeal in like manner as if the said Appearance Orders had been taken out by the Appellant and the times thereby respectively limited for the said Respondent to enter an Appearance had expired.

"2. That where a Respondent to an Appeal to Your Majesty in Council whose name has been brought on the Record of the Appeal by an Order of Your Majesty in Council fails to enter an Appearance to the Appeal in the Registry of the Privy Council and it appears from the Transcript Record or from a Supplementary Record in the Appeal or from a Certificate of the Officer of the Court transmitting the said

Transcript Record or Supplementary Record to the Registrar of the Privy Council that the said Respondent has received due notice of any intended application to Your Majesty in Council to bring him on the Record as a Respondent to the Appeal the Appellant shall not subject to any direction by their Lordships to the contrary be required to take out Appearance Orders calling upon the said Respondent to enter an Appearance in the Appeal, and the Appeal may subject as aforesaid be set down for hearing *ex parte* as against the said Respondent at any time after the expiration of three calendar months from the date on which the said Respondent shall have been served with a copy of Your Majesty's Order in Council bringing him on the Record of the Appeal in like manner as if the said Appearance Orders had been taken out by the Appellant and the times thereby respectively limited for the said Respondent to enter an Appearance had expired.

"3. That nothing herein contained shall be deemed to affect the power of their Lordships to order the Appellant in an Appeal referred by Your Majesty to their Lordships to take out Appearance Orders or to be excused from taking out Appearance Orders in any case in which their Lordships shall think fit so to order and generally to give such directions as to the time at which and the conditions on which an Appeal so referred as aforesaid shall be set down as in the opinion of their Lordships the circumstances of the case may require.

"4. That this Order shall apply to all Appeals in which the Petition of Appeal shall be lodged after the date hereof."

His Majesty, having taken the said representation into consideration, was pleased, by and with the advice of His Privy Council, to approve thereof, and of what is therein recommended. Whereof all persons whom it may concern are to take notice, and govern themselves accordingly.

A. W. FitzRoy.

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WHEREAS it is expedient to amend certain provisions of the Southern Rhodesia Order in Council, 1898.

Now therefore His Majesty is pleased by and with the advice of His Privy Council to order, and it is hereby ordered as follows :—

I. Notwithstanding anything contained in the Southern Rhodesia Order in Council, 1898, the Secretary of State may appoint one and the same person to hold the respective offices of Resident Commissioner and Commandant-General constituted by the said Order.

II. The person so appointed shall be called the "Resident Commissioner and Commandant-General," and shall have all the powers and duties and be subject to all the liabilities of the Resident Commissioner and of the Commandant-General respectively prescribed by the said Order in Council.